

Appl. No. 09/927,439

Response dated: November 24, 2004

**REMARKS/ARGUMENTS**

Claims 1-33 are pending in the application. Claims 1 and 17 are independent claims and the remaining claims depend, directly or indirectly, from claims 1 and 17. Claims 20-33 have been amended to correct typographical errors related to the dependence of those claims. The specification has been amended to include a serial number of a related patent application.

Claims 1-33 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Number 5,883,735, issued to Sugiyama et al. ("Sugiyama").

**Claim 1.**

Independent claim 1, in part, recites:

A line unit . . . comprising:

a first line assembly including:

a first monitoring receiver . . . for receiving first control information . . .

a second line assembly including:

a second monitoring receiver . . .

wherein said first and second monitoring receivers are connected such that said first control information is sent from said first monitoring receiver to said second monitoring receiver.

The Action cites Sugiyama at Figure 14 and columns 3 and 4 when rejecting claim 1. In particular, the Action states that "figure 14 clearly [shows] first supervisory unit 23 connected to second supervisory unit 23'". While it is true that figure 14 of Sugiyama shows a connection between supervisory units 23 and 23', Sugiyama fails to teach that the "first control information is sent from said first monitoring receiver to said second monitoring receiver". Instead, Sugiyama teaches away from that claim element. Sugiyama, at column 4, lines 35-39, describes the processing of command signals CM by the supervisory unit 23 and states:

The supervisory unit 23 decodes instructions which are included in the command signal CM from an end office located at one end of the optical

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transmission line 12, and applies a response signal RS to the drive control unit 24 in response to these decoded instructions.

In other words, supervisory unit 23 receives a command signal CM, decodes instructions, and drives a response signal without "first control information [being] sent from said first monitoring receiver to said second monitoring receiver". Despite the connection between the supervisory units 23 and 23', Sugiyama teaches that when the command signal is received, the supervisory unit 23 decodes instructions and applies a response signal without sending control information to the other supervisory unit 23'. In particular, Sugiyama teaches that the supervisory unit 23 utilizes the local drive control unit 24, as opposed to the drive control unit 24' associated with the other supervisory unit 23', so there is no motivation in Sugiyama to send command signals CM to the other supervisory unit 23'. As a result, there is no teaching of control information being sent between control units 23 and 23'

Figure 14 and column 4 line 46 through column 5 line 5 offer further insight into the teaching of Sugiyama. For example, it is clear from Figure 14 and the cited portion of Sugiyama that the command signal CM is received from the transmission line 12 by the photodiode PD 35 and provided to the supervisory unit 23. Figure 14 illustrates the command signal CM between the filter 37 and the supervisory unit 23. Figure 14 also illustrates the return signal RS being transmitted from the drive control unit 24 to the laser diode LD 33, which transmits onto the transmission line 12 via the wavelength division multiplexer WDM 32. The return signal RS is also illustrated between the drive control unit 24 and the laser diode LD 33. Furthermore, Figure 14 illustrates that the other supervisory unit 23' receives a different control signal CM' and applies its own return signal RS' on a separate transmission line 12' in a manner analogous to that described above. Although Figure 14 illustrates a connection between the supervisory units 23 and 23', it fails to show sending control signals CM and CM' between the supervisory units 23 and 23'. In contrast, Figure 14 shows, via the paths and processing of the control signals CM and CM' and the resultant return signals RS and RS', that the control signals CM and CM' are not sent between supervisory units 23 and 23'.

Sugiyama states at column 5, lines 11-15, "...in response to the command signal CM' transmitted from the lower right part of the drawing, the above-noted response signal RS is output...". However, there is no further discussion of the command signals and no teaching that

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command signals are sent between the supervisory units 23 and 23'. While information may be exchanged through the connection between the supervisory units 23 and 23', Sugiyama fails to teach "first control information [being] sent from said first monitoring receiver to said second monitoring receiver". Furthermore, Sugiyama teaches away from such sending of control information because Sugiyama teaches processing the command signals (e.g., CM) by the receiving supervisory unit (e.g., 23) and associated components (e.g., 24) without sending the command signals (e.g., CM) to the other supervisory unit (e.g., 23'). See, for example, Sugiyama at column 4 line 35 through column 5 line 5, and Figure 14.

Therefore, for the reasons set forth above, Applicant submits that claim 1 is allowable over the cited art. Furthermore, claims 2-16 depend, directly or indirectly, from claim 1. Therefore, for at least the reasons set forth with respect to claim 1, Applicant submits that claims 2-16 are allowable over the cited art.

Claim 17.

Independent claim 17, in part, recites:

An optical communications system comprising:

... an interconnect for passing said first control information from said first monitoring receiver to said second monitoring receiver and said second control information from said second monitoring receiver to said first monitoring receiver . . .

As discussed above, Sugiyama discloses a connection between first and second supervisory units 23 and 23'. However, as disclosed in Sugiyama at column 4 line 35 through column 5 line 5, and in Figure 14, and as discussed in more detail hereinabove, Sugiyama fails to teach "passing said first control information from said first monitoring receiver to said second monitoring receiver and said second control information from said second monitoring receiver to said first monitoring receiver". Rather, Sugiyama teaches a supervisory unit 23 decoding instructions and driving a response signal without passing control information to the other supervisory unit 23', and vice versa.

Therefore, for the reasons set forth above, Applicant submits that claim 17 is allowable over the cited art. Furthermore, claims 18-33 depend, directly or indirectly, from claim 17. Therefore, for

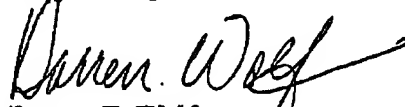
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at least the reasons set forth with respect to claim 17, Applicant submits that claims 18-33 are allowable over the cited art.

Applicant submits that the application, as amended, is in condition for allowance. If the Examiner has any questions pertaining to this Amendment or to the subject application in general, the Examiner is encouraged to contact the undersigned.

Applicant believes that no fees are due with this Response. However, in the event fees are due with this Response, the Commissioner is hereby authorized to debit such fees from Charge Account Number 50-3198, in the name of Dickie, McCamey & Chilcote.

Respectfully submitted,



Darren E. Wolf

Registration No. 36,810

412-392-5681